IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 1784 OF 2007

1. Mrs.Murtiza Fakir Shaikh

2. Mrs.Noorjahan Murtiza Shaikh. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

WITH
CRIMINAL APPLICATION NO. 1876 OF 2007

1. Mrs.Shahista Yaseen Shaikh,

2. Mrs.Aarifa Irfan @ Aasif Shaikh,

3. Mr.Allauddin Fakir Shaikh,

4. Mrs.Rehana Allauddin Shaikh. ... Applicants.

V/s.

The State of Maharashtra. ... Respondent.

S.M.Oak for the applicant
(in Crim.Appln.No.1784/07).

G.H.Keluskar for the applicant
(in Crim.Appln.No.1876/2007).

Rajesh More, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 27th September 2007.

P.C.:

. Heard learned counsel for the applicants appearing in both applications and learned A.P.P. for

the State.

2. These applications are under section 438 of Code of Criminal Procedure, 1973. The applicants are apprehending their arrest in CR.No.I-83/2007 registered with Shahapur Police Station, district- Thane for the offences punishable under sections 498-A, 306 read with section 34 of Indian Penal Code on the basis of the complaint filed by one Yaqub Usman Shaikh alleging therein that the applicants have physically and mentally harassed his daughter Mrs.Rahiya and, thereby, compelled her to commit suicide.

3. In Criminal Application No.1784/2007, father-in-law and mother-in-law of the deceased are seeking anticipatory bail, where as in Criminal Application No.1876/2007 four other relatives (including uncle and aunt of husband of deceased) are seeking bail.

4. Having seen the paper and the investigation material available on record together with counter affidavit filed on behalf of respondent- State, it appears that the deceased was suffering from Malaria and thereafter she was treated in Life Care Speciality Hospital, Shahapur, district- Thane. The post-mortem report does not show any injury or cause of death.

The cause of death was reserved since viscera had been sent to the Chemical Analyser. The report of the Chemical Analyser, which is now available, is shown to me. It does not show any cause of death. No poison substance was found. In the aforesaid facts and circumstances of the case, I am inclined to grant pre-arrest bail to the applicants, subject to the following conditions:

(a) In the event of arrest of the applicants in connection with CR.No.I-83/2007 registered with Shahapur Police Station they shall be released on bail on their executing P.R.Bond of Rs.10,000/- each with one surety to make up the said amount.

(b) So far as female applicants-accused, viz., Mrs.Noorjahan Murtiza Shaikh; Mrs.Shahista Yaseen Shaikh; Mrs.Aarifa Irfan @ Aasif Shaikh; and Mrs.Rehana Allauddin Shaikh are concerned, they shall report the concerned police station as and when called, whereas so far as male applicants- accused, viz., Mr.Murtiza Fakir Shaikh and Mr.Allauddin Fakir Shaikh are concerned, they shall report

to the concerned Police Station once in a week i.e. on every Friday between 3.00 p.m. to 5.00 p.m. All the applicants shall co-operate with the investigating agency.

(c) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) This order of anticipatory bail shall operate till the filing of the chargesheet. After filing of chargesheet, it would be open for the applicants to apply for regular bail before regular court.

(e) It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

5. Application stands disposed of accordingly.

JUDGE